

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HOMESITE INS. CO. OF THE MIDWEST,	:	Civil No. 1:22-CV-1664
	:	
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
OMAR EWIDEH, et al.,	:	(Magistrate Judge Carlson)
	:	
Defendants	:	

MEMORANDUM ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

This case is a declaratory judgment action brought by Homesite Insurance Company of the Midwest (“Homesite”) against two of its insureds, Omar Ewideh and Nivertiti Geaith. (Doc. 1). In this lawsuit Homesite seeks a determination of whether it has fully discharged its legal responsibilities under its homeowner insurance policy with the defendants. According to Homesite the insureds’ home suffered water leak damage on two separate occasions, and experienced mold damage which was covered on Homesite’s policy. Homesite alleges that it paid the defendants more than \$294,000 as reimbursement on these claims pursuant to the terms of this homeowner policy. (Id., ¶¶ 1-56).

Notwithstanding these payments, Homesite alleges that the defendants have filed additional claims against its policy but has violated that policy by refusing to cooperate in the investigation of these additional claims; refusing to permit inspection of the property; failing to protect the property; and failing to properly document their claimed losses. (*Id.*, ¶¶ 57-111). Homesite also asserts that the defendants have made false statements and concealed material facts from the plaintiff in the course of its investigation of these claims in violation of the homeowner policy. (*Id.*, ¶¶ 112-24). Cast against the backdrop of these factual averments Homesite seeks a declaratory judgment that it has properly and adequately adjusted the defendants' claims under this homeowner insurance policy. (*Id.*, ¶¶ 125-29).

The parties are embroiled in a contentious course of litigation and discovery. In order to resolve these issues we have scheduled an in person conference at **10:00 a.m. on May 30, 2023 in Courtroom 6**, at the United States Courthouse, Harrisburg, Pennsylvania, where we will rule on discovery issues, as well as set aside a room and sequester the parties until they resolve these pending discovery matters and fully respond to these discovery requests. We note that the defendants have now filed a motion seeking an interlocutory appeal of a prior district court decision. (Doc. 92). In order to avoid any confusion, all parties are advised that nothing about this motion alters, delays or stays the schedule we have set. Therefore, all parties shall

appear on May 30 at 10:00 a.m. as previously ordered. In addition, the defendants shall bring copies of all documents that are responsive to the outstanding requests for production of documents to this conference. **The failure to do so may result in sanctions including exclusion of evidence or entry of adverse judgments.**

So ordered this 25th day of May 2023.

S/ Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge